



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

August 6, 2008

Lieu Pham
California Department of Transportation (Caltrans)
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR CHANNEL EROSION REPAIRS, CITY OF COSTA MESA, ORANGE COUNTY (CORPS FILE NO. NOT AVAILABLE)

Dear Ms. Pham:

On May 23, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the proposed repairs to portions of the Gisler Channel and Greenville-Banning Channel along Interstate 405 (I-405) in the City of Costa Mesa. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Repair portions of eroded slopes, access roads, and areas around wing walls; removal of debris in the channels and culverts; removal of graffiti; and reconstruct the drainage system drain line. The repairs will occur in portions of the Gisler Channel and Greenville-Banning Channel along I-405 between the Santa Ana River and State Route 73. The repair work is located within Sections 33 through 35 of Township 5 South and Range 10 West of the U.S. Geological Survey *Newport Beach, California*, 7.5-minute topographic quadrangle map (33 deg. 41 min. 30 sec. N/-118 deg. 54 min. 09 sec. W).

Receiving Waters: Gisler and Greenville-Banning Channels.

Fill Area: Up to 0.30 acre of temporary impact (550 total linear feet).

California Environmental Protection Agency



Dredge Volume: Not applicable.

Federal Permits: US Army Corps of Engineers Nationwide Permit No. 3 and 13.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Department of Transportation (Caltrans) by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

Construction de-watering discharges may be regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2003-0061 at: www.waterboards.ca.gov/santaana/pdf/03-61.pdf.

You have applied for coverage under nationwide permits from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have obtained a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to California Environmental Quality Act (CEQA), Caltrans and the Regional Board have determined that the project is exempt from provisions of CEQA under Guidelines Section 15301, as this project is a repair of an existing facility.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project Storm Water Pollution Prevention Plan (SWPPP).
- 2) The applicant must comply with the requirements of the Clean Water Act section 404 permit

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:



- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.


In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,


for GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Corice Farrar
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Bill Orme
California Department of Fish and Game, Ontario Office – Naeem Siddiqui
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini
and David Smith

APF: 401/certifications/I-405 channel erosion 302008-14